

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 07-13371

ONE HUNDRED FORTY-NINE
THOUSAND EIGHT HUNDRED
DOLLARS IN U.S. CURRENCY
(\$149,800.00),

Defendant.

ORDER STRIKING CLAIM FILED BY PARIS WEBB MCCURDY

Before the court is Plaintiff's Declaration Regarding Claimant's Non-Compliance with July 23, 2008 Order Granting United States' Motion to Compel. Plaintiff's Complaint for Forfeiture was filed on August 13, 2007, against the defendant *in rem*. Copies of the Complaint for Forfeiture and Warrant of Arrest and Notice In Rem were served upon Anthony T. Chambers, Esq., by regular and certified mail at 220 W. Congress, Detroit, Michigan 48226 and Paris McCurdy by regular and certified mail at 27336 Aberdeen Street, Southfield, Michigan 48076. A Certificate of Service was filed with the court on August 14, 2007.

Pursuant to Rule G(4) of the Supplemental Rules of Certain Admiralty or Maritime and Asset Forfeiture Claims, notice of this action was published in the *Detroit Legal News* on August 21, 2007-August 24, 2007 and August 27, 2007, directing any person claiming an interest in the subject property to file a verified claim within thirty-five (35) days of the notice, and an answer to the Complaint within twenty (20) days

thereafter. An Affidavit of Publication was filed with the court on August 29, 2007.

Subsequently, a verified claim and answer was filed by Claimant Paris Webb McCurdy, through counsel, on October 19, 2007. On May 8, 2008, the United States served Claimant McCurdy with a copy of Plaintiff's First Set of Requests for Admissions, Interrogatories, and Requests for Production of Documents pursuant to Rules 33, 34 and 36 of the Federal Rules of Civil Procedure. No response was submitted before the due date, June 9, 2008.

On or about June 27, 2008, Plaintiff moved for an order compelling production and warning the Claimant that the claims could be jeopardized in the event of continued non-compliance. On or about July 11, 2008, Claimant delivered a partial set of discovery responses to Plaintiff, but no response to Plaintiff's June 27 motion to compel was filed.

The court granted Plaintiff's motion and entered an Order Granting Plaintiff's Motion To Compel on July 23, 2008, cautioning Claimant that the claim would be stricken with prejudice in the event that full compliance without further objection was not achieved by July 29, 2008.

Claimant had delivered discovery responses to Plaintiff on or about July 11, 2008, before the court's Order, but as explained in Plaintiff's Notice of Non-Compliance, those responses are not in compliance with the court's Order. They encompass objections to questions 4, 5, 9, 14 and 15, and constitute only partial responses at best. In addition, Plaintiff's requests to admit were not answered and are deemed admitted.

As a result of the above, IT IS ORDERED that Paris Webb McCurdy October 19, 2007 claim [Dkt. # 8] is hereby STRICKEN with prejudice.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 31, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 31, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522